



Dykema Gossett PLLC

400 Renaissance Center
Detroit, MI 48243

WWW.DYKEMA.COM

Tel: (313) 568-6800

Fax: (313) 568-6893

Grant P. Gilezan

Direct Dial: (313) 568-6789

Direct Fax: (855) 255-4351

Email: GGilezan@dykema.com

May 13, 2022

Special Master Thomas P. Scrivo
O'Toole Scrivo, LLC
14 Village Park Road
Cedar Grove, New Jersey 07009
tscrivo@oslaw.com

Re: *Occidental Chemical Corp. v. 21st Century Fox Am., Inc., et al.*
United States District Court, District of New Jersey
Civil Action No. 2:18-cv-11273

Dear Special Master Scrivo:

Please accept this letter on behalf of Third-Party Defendant Passaic Valley Sewerage Commissioners ("PVSC"), with support by all other Third-Party Defendants in this case (collectively "TPDs").

This letter identifies topics for further discussion during the May 18, 2022 status conference.

TOPIC #1: Deposition Schedule

The TPDs continue to agree with the Small Parties Group ("SPG") that there are many outstanding issues that need to be resolved before depositions in this matter can begin, including: the resolution of pending motions, the receipt of a final version of OxyChem's privilege log and the resolution of any challenges to that and the production of any additional documents identified in that log; agreement on 30(b)(6) deposition topics; the production of documents from OxyChem's consultants; compliance by OxyChem with the order regarding sampling data; and responses to the SPG's request for admissions.

The TPDs also see a proper cadence of pre-deposition discovery affording sufficient time for affirmative written discovery between the TPDs and OxyChem and between the TPDs and the SPG. In order to proceed with those discovery efforts, the TPDs have secured access to the production material in the case via the SPG's database vendor since your last status conference, but are in the early phase of understanding to what extent millions of documents produced in this litigation bear on them and the members of the SPG targeted by OxyChem for depositions. And then there are the continued productions that continue to be made each week by OxyChem and the SPG.

TOPIC #2: Deposition Protocol Amendments

It seems the parties are close to reaching agreement on amendments to the original deposition protocol necessitated by the addition of the TPDs, as well as a supplemental remote deposition protocol. Based on your guidance during the April status conference, these provisions include advance notice to the TPDs of them being part of anticipated questioning and/or testimony during depositions of the SPG and OxyChem, so all of the TPDs need not have their respective counsel attend every deposition.



Special Master Thomas P. Scrivo
May 13, 2022
Page 2

Thank you for your attention to and consideration of these positions.

Sincerely,

DYKEMA GOSSETT PLLC

A handwritten signature in black ink that reads "Grant P. Gilezan". The signature is fluid and cursive, with the first name "Grant" and last name "Gilezan" clearly legible.

Grant P. Gilezan

GILEZAN, GRANT 118755.000001 4875-6395-2927.1 May 11, 2022